

HOUSE BILL 3464

By Casada

AN ACT to amend Tennessee Code Annotated, Section 4-3-1016; Section 4-4-102 and Title 9, Chapter 4, relative to budgetary policies and procedures

WHEREAS, Article II, Section 1 of the Constitution of Tennessee provides that the powers of state government shall be divided into three distinct branches: legislative, executive and judicial; and

WHEREAS, Article II, Section 24 of the Constitution of Tennessee further provides that no public funds shall be expended except pursuant to appropriations made by the legislature; and

WHEREAS, the legislature must fulfill its constitutional duties as a truly independent and co-equal branch of state government; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-4-211(a)(1), is amended by deleting the words "or to meet expenditure requirements in excess of budgeted appropriation levels".

SECTION 2. Tennessee Code Annotated, Section 9-4-211, is amended by deleting subsection (d) and by substituting instead the following:

(d) Notwithstanding the provisions of any law to the contrary, the reserve for revenue fluctuations shall not be available to meet any expenditure requirements in excess of budgeted appropriation levels unless and until the general assembly subsequently appropriates a portion of such reserve for the express purpose of meeting all or a specified portion of such excess expenditure requirements.

SECTION 3. Tennessee Code Annotated, Title 9, Chapter 4, Part 51, is amended by adding the following language as a new, appropriately designated section:

Section 9-4-5117.

(a) Notwithstanding the provisions of any law to the contrary, no part of the funds appropriated by the general assembly to any department, agency, commission, office or entity of state government shall be expended in another department, agency, commission, office or entity of state government unless and until the general assembly subsequently appropriates such funds to the other department, agency, commission, office or entity.

(b) Notwithstanding the provisions of any law to the contrary, no department, agency, commission, office or entity of state government shall make expenditures in excess of funding appropriated by the general assembly to the department, agency, commission, office or entity.

(c) No program shall be established or expanded through the use of state revenues, departmental revenues, federal revenues, or unanticipated or excess state revenues, departmental revenues or federal revenues, unless funds for such program are specifically appropriated for such program by the general assembly in an appropriations act.

(d) For the purposes of subsection (c):

(1) "State revenues" means the proceeds of taxes, licenses, fees, fines, forfeiture or other imposts laid specifically by state law; and

(2) "Departmental revenues" means earnings or charges for goods or services; or donations, contributions or participation by political subdivisions, foundations, corporations, firms or persons.

SECTION 4. Tennessee Code Annotated, Section 4-3-1016, is amended by adding the following language as a new, appropriately designated subsection:

(d) Notwithstanding the provisions of this section or any other law to the contrary, no part of the funds appropriated by the general assembly to any department, agency, commission, office or entity of state government shall be expended in another department, agency, commission, office or entity of state government unless and until the general assembly subsequently appropriates such funds to the other department, agency, commission, office or entity.

SECTION 5. Tennessee Code Annotated, Section 4-4-102, is amended by adding the following language as a new, appropriately designated subsection:

(c) No part of the funds appropriated by the general assembly to any department or entity of state government shall be expended in another department or entity of state government, pursuant to any transfer of functions under the authority of subsection (a), unless and until the general assembly subsequently appropriates such funds to such other department or entity.

SECTION 6. This act shall take effect July 1, 2008, the public welfare requiring it.